

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No.:	19-23860-GLT
	:	Chapter:	13
Jeremiah D Yates	:		
Kimberly R Yates	:		
	:	Date:	7/29/2020
<i>Debtor(s).</i>	:	Time:	09:00

PROCEEDING MEMO

MATTER: #38 - Trustee's Oral Motion to Dismiss Case
#42- Debtor's Response to Motion to Dismiss

#2 - Contested Confirmation of Plan Dated 10/2/2020 (N)

APPEARANCES:

Debtor:	Shawn N. Wright
Trustee:	Owen Katz

NOTES: (9:28)

Court: There's a new wage attachment remitting at \$1,499 a month, which would be in excess of what the current plan payment is.

Katz: This was teed up as a no defense dismissal. At the time there was \$9,800 in arrears, we haven't received any payments, and now there's \$11,300 in arrears. I'll also point out that the current plan payment is \$1,400/month. According to our calculation the plan payment needs to be increased to \$2,638.

Wright: Mr. Yates informed me he has found employment. If we could get some time to file an amended plan and we may need to extend the plan to 84 months.

Court: What about the issue of the plan payment being around \$2,600? Is that feasible?

Wright: Not that big of an increase. If we stretched it out to 84 months it might not need to be that high.

Court: Is this debtor qualified for an 84 month plan?

Katz: There hasn't been an interim or final confirmation yet.

Court: The missed payments require a tight leash. I will provisionally grant the motion to dismiss and will implement a drop dead order. I will also require new schedules I and J. Without a confirmation order, however, I don't see how the debtor can utilize the CARES Act to extend the plan term beyond 60 months.

Katz: There is no interim confirmation order, and we do have some nominal amounts on hand that we'll need to begin distributing - we'd request the court enter an interim confirmation order.

Court: I will enter an interim confirmation order. The Debtor must file a new plan within 30 days, amended schedules I and J within 30 days, and we'll have a drop dead provision for plan payments pending plan confirmation.

OUTCOME:

1. Trustee's Oral Motion to Dismiss Case [Dkt. No. 38] is conditionally GRANTED [Chambers to Issue]

2. On or before August 28, 2020, the Debtor shall file an amended chapter 13 plan [Chambers to Issue]
3. On or before August 28, 2020, the Debtor shall file amended schedules I and J [Chambers to Issue]
4. The Chapter 13 Plan Dated 10/2/2020 (N) [Dkt. No. 2] is CONFIRMED on an interim basis [JH to Issue]

DATED: 7/29/2020